IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

CRL.A.No. 1122 of 2001()

CC.37/2000 of JUDL.MAGISTRATE OF FIRST CLASS-III(MOBILE), ERNAKULAM

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APPELLANT:

M/S.RANK ADVERTISING CONSULTANTS, P.B.NO.2008,
'SAROJ', S.R.M. ROAD,
KOCHI-682 018 REPRESENTED BY ITS MANAGER, C.P.SUBHASH

BY ADV. SRI.MAT.PAI

RESPONDENTS:

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1. V.B.K.MENON, PROPRIETOR, M/S.ANUGRAHA CINE ARTS, 46/1907-B, KALABHAVAN ROAD, ERNAKULAM NORTH, KOCH 682 018.

2. M/S.ANUGRAHA CINE ARTS, 46/1907-B, KALABHAVAN ROAD, KOCHI - 682 018 REPRESENTED BY ITS PROPRIETOR V.B.K.MENON

3. THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.1122 of 2001(D)

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Dated this the 16th day of July, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.37/2000 in the file of the Judicial Magistrate of First Class Court-III, Mobile Court, Ernakulam, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 16/08/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.1122 of 2001(D)

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J U D G M E N T

16th July, 2007